

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 20 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ENTREPRENEUR MEDIA, INC., a
California Corporation,

Plaintiff - Appellee,

v.

SCOTT SMITH, DBA EntrepreneurPR,

Defendant - Appellant.

No. 15-16562

D.C. No. 2:10-mc-00055-JAM-
EFB
Eastern District of California,
Sacramento

ORDER

A review of the record suggests that this court may lack jurisdiction over the appeal because it appears that the district court's contempt order challenged in this appeal did not impose sanctions. *See Blalock Eddy Ranch v. MCI Telecomms. Corp.*, 982 F.2d 371, 374 (9th Cir. 1992) (contempt citation not appealable where sanctions not yet imposed); *see also SEC v. Hickey*, 322 F.3d 1123, 1127-28 (9th Cir. 2003), amended by 335 F.3d 834 (9th Cir. 2003) (concluding no jurisdiction to review contempt order where district court never imposed sanctions and Hickey appealed before period of time to purge contempt had expired); *Donovan v. Mazzola*, 761 F.2d 1411, 1416-17 (9th Cir. 1985) (post-judgment civil contempt

order for failure to post bond not appealable until after a specified date on which sanctions begin accruing).

Within 21 days after the date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellant elects to show cause, a response may be filed within 10 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Seung Lee
Deputy Clerk